

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner made a timely application for heating fuel assistance with the Department of PATH and was informed by a notice from the Department that she would not be eligible because her estimated heating cost is less than the allowed minimum heating cost.

3. Relying on tables in its regulations, the Department determined that the petitioner would have an annual heating cost of \$637 during the heating season. The Department further determined based on tables that the petitioner had been allotted \$732 per year by the "Section 8" program to pay for her heating costs.¹ This "subsidy" is in excess of the petitioner's annual heating costs as determined by the Department's tables. Thus, the petitioner was found to have nothing in uncovered heating costs. Because her unmet heating costs (\$0) are less than the \$125 minimum (see infra), the petitioner was determined to be ineligible.

ORDER

The decision of the Office of Home Heating Assistance of PATH is affirmed.

REASONS

The regulations governing the fuel program require that a household must have an obligation to pay a minimum amount of

¹ This \$732 figure represents the amount by which the petitioner's annual rent obligation to her landlord is reduced by Section 8 because utilities are not included in the petitioner's rent. If the landlord had provided utilities, the petitioner would have been required to pay \$61 more per month as her portion of the rent. The housing authority pays the landlord the difference between the market value of the apartment and the petitioner's share.

heating expense in relation to its income in order to receive benefits. 2906.2(c). The Department determined that the petitioner would be eligible under the Fuel Assistance regulations if she is liable for the program minimum of \$125 per year in heating costs. W.A.M. 2906.3.

The Department calculates a household's liability for fuel expenses not through use of actual usage figures, but by means of a "Proxy Table" reflecting standing heating costs by the type (single or multi-family), size (by number of bedrooms) and type of heating fuel. W.A.M. 2906.2(a). For the petitioner, who lives in a two-bedroom apartment that is heated primarily by propane gas, the annual heating figure is \$637. W.A.M. 2906.4. The regulations provide further that persons who live in subsidized housing have further reductions calculated as follows:

Each household living in subsidized housing will have its annual primary heating fuel costs reduced by an annualized standard heating subsidy deduction prior to determining the percentage of heating costs to be met by the Fuel Program. This standard is derived from Housing and Urban Development (HUD) heating subsidy amounts, called allowance by HUD, which are developed by the Vermont State Housing Authority and are specified by housing type, fuel type, and number of bedrooms. These subsidy amounts are located in the Standard Heating Subsidy Tables in the Fuel Program section of the welfare procedures manual.

W.A.M. 2906.1

For the petitioner the standard heating subsidy figure is \$732 per month (one bedroom, multi-family dwelling with propane gas). P-2905 C. The regulations require that this figure must be used to reduce the annual heating cost to obtain a "net annual fuel cost." W.A.M. 2906.2(b). The petitioner's "net annual fuel cost" (\$637-\$732) is less than \$0.

As stated above, the petitioner must have a minimum net fuel cost figure of at least \$125 (which is the program minimum) in order to be eligible for the payment of any benefits. W.A.M. 2906.2(c). The Department is correct in its determination that the petitioner cannot receive heating assistance under the regular fuel program for this winter. The Board is thus bound to affirm the Department's decision. 3 V.S.A. § 1391(d), Fair Hearing Rule 17.²

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²At the hearing in this matter, held on November 20, 2001, the petitioner was informed of the "crisis" fuel program that she can apply for through her local community action program if an emergency need for fuel arises this winter.